

- (b) testing for the presence of said antibody in complex with said neurotrophin receptor, and
- (c) diagnosing said pathological condition.

REMARKS

In the Office Action, the Examiner Restricted the claims to eighteen distinct groups. Applicants hereby elect Group II (claims 6-12) with traverse. Claims 13-19 are cancelled. Applicants reserve the right to pursue the subject matter of the cancelled claims in one or more continuation or divisional applications.

Applicants respectfully submit that they should not be required to select between over-expression and under-expression of a TrkB receptor. Claim 6 has been amended to recite the "differential expression" of a Trk B neurotrophin receptor. The term "differential expression" has a well-known meaning in the art, adequately covers both situations and is appropriate for examination purposes. Thus, Applicants respectfully request that the Examiner reconsider the restriction requirement in view of the present amendment. However, in the event that the Examiner maintains the rejection, Applicants provisionally elect over-expression of a TrkB receptor.

In addition, in an election of species requirement the Examiner required election of one of the diseases recited in claim 9. Applicants hereby elect neurodegenerative disease for the purposes of examination. Claims 6-10 and 12 are readable thereon.

In a further election of species requirement, the Examiner required election of one of the assay methods in claim 8. Applicants elect competitive binding assays for the purposes of examination. Claims 6-12 are readable thereon.

Changes to claim 6 are indicated on the attached page captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**" On this page, additions are underlined and deletions are struck through.

Applicants respectfully submit that the present application is in condition for examination on the merits. If any issues remain, the Examiner is invited to contact Applicants' counsel at the number listed below in order to resolve such issues promptly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 22, 2002

By: 

Ginger R. Dreger
Registration No. 33,055
Attorney of Record
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660
(415) 954-4114

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claim 6 has been amended as follows:

6. (Amended) A method for the diagnosis of a pathological condition characterized by the differential ~~over-expression or under-expression~~ of a TrkB neurotrophin receptor ~~selected from human TrkA, human TrkB and human TrkC~~ in a subject, comprising
- (a) contacting a biological sample from said subject with an antibody specific for said neurotrophin receptor,
 - (b) testing for the presence of said antibody in complex with said neurotrophin receptor, and
 - (c) diagnosing said pathological condition.

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